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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,504

Applicant(s)

GAXIOLA ET AL.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-43** are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claims 11-16, 18-27, 29-36, 38-43 are objected to because of the following informalities:
 4. Claim 11 recited the limitation "The method of claim 13". There is a typographical error. Examiner assumes claim 13 depends on independent claim 10.
 5. Likewise, claims 12-16 have the same typographical error as mentioned in claim 11. Examiner assumes claims 12-16 depends on independent claim 10.
 6. Claims 18-27, examiner assumes depends on independent claim 17.
 7. Claim 29-36, examiner assumes depends on independent claim 28.
 8. Claims 38-43, examiner assumes depends on independents claim 37.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 9, 28-30, and 36 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Pan et al.** (hereinafter Pan) U.S. Patent No. **6,775,701**.

11. As to claim 1, **Pan** teaches the invention as claimed, including a method comprising:

receiving a communication that a service is to be used on a remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to perform a resource management operation on the remote device in response to the communication (col. 3, lines 28-54); and

performing the resource management operation on the remote device (col. 4, lines 30-col. 5, lines 6).

12. As to claim 2, **Pan** teaches the invention as claimed, wherein the receiving comprises receiving service log information (col. 5, lines 42-65, col. 6, lines 14-34).

13. As to claim 3, **Pan** teaches the invention as claimed, wherein the determining comprises analyzing the service log information to determine a usage pattern of a user of the remote device (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

14. As to claim 9, **Pan** teaches the invention as claimed, wherein the performing resource management comprises preventing installation of a software component (col. 5, lines 65-col. 6, lines 34).

15. As to claim 28, **Pan** teaches the invention as claimed, including a machine-readable medium having executable instructions to cause a machine to perform a method comprising:

receiving a communication that a service is to be used on a remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to perform a resource management operation on the remote device in response to the communication (col. 3, lines 28-54); and

performing the resource management operation on the remote device (col. 4, lines 30-col. 5, lines 6).

16. As to claim 29, **Pan** teaches the invention as claimed, wherein the receiving comprises receiving service log information (col. 5, lines 42-65, col. 6, lines 14-34).

17. As to claim 30, **Pan** teaches the invention as claimed, wherein the determining comprises analyzing the service log information to determine a usage pattern of a user of the remote device (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

18. As to claim 36, **Pan** teaches the invention as claimed, wherein the performing resource management comprises preventing installation of a software component (col. 5, lines 65-col. 6, lines 34).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 10-11, 14-18, 23-27, 37-38, and 41-43 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Pan et al.** (hereinafter **Pan**) U.S. Patent No. **6,775,701**.

21. As to claim 10, **Pan** teaches the invention as claimed, including a method comprising:

receiving an usage intention signal from a remote device, the usage intention signal indicating a service to be executed on the remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to performs a resource management operation on the remote device in response to the usage intention signal (col. 3, lines 28-54); and communicating with the network resource manager to perform a resource management operation (col. 4, lines 30-col. 5, lines 6).

Pan does not explicitly teach the remote service provider. However, **Pan** teaches communicating with a network resource manager to perform a resource management operation (figures 1, 2, col. 3, lines 28-54).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to perform a resource management operation equivalent to the feature of communicating with remote service provider to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

22. As to claim 11, **Pan** teaches the invention as claimed, wherein the determining whether to communicate is based on a resource available on the remote device (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

23. As to claim 14, **Pan** teaches the invention as claimed, further comprising: collecting service log information, the service log information to be used to analyze a usage pattern (col. 5, lines 42-65, col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

24. As to claim 15, **Pan** teaches the invention as claimed, wherein the service log information is stored in a user preference database (col. 5, lines 42-65, col. 6, lines 14-34).

25. As to claim 16, **Pan** does not explicitly teach remote service provider. However, **Pan** teaches providing the service log information to network resource manager (col. 5, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to provide service log information equivalent to the feature of providing service log information to the remote service provider disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

26. As to claim 17, **Pan** teaches the invention as claimed, including a system, comprising:

a local device coupled to a network, the local device including a service (figure 1, col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48); and

a network resource manager perform a resource management operation upon a resource event (col. 4, lines 30-col. 5, lines 6).

Pan does not explicitly teach a remote service provider. However, **Pan** teaches a network resource manager (11) performs a resource management operation (figure 2, col. 4, lines 30-col. 5, lines 6, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses network resource manager (11) performs a resource management operation equivalent to the feature of communicating with remote service provider to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

27. As to claim 18, **Pan** does not explicitly teach a remote service provider. However, **Pan** teaches the invention as claimed, wherein the network resource manager analyzes a resource on the local device to determine whether to perform the resource management operation (col. 3, lines 28-54, col. 4, lines 30-col. 5, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses network resource manager (11) to perform a resource management operation equivalent to the feature of the remote service provider analyzes a resource to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

28. As to claim 23, **Pan** teaches the invention as claimed, wherein the perform the resource management operation comprises preventing the install of a software component (col. 5, lines 65-col. 6, lines 34).

29. As to claim 24, **Pan** does not explicitly teach the remote service provider. However, **Pan** teaches the network resource management analyzes usage patterns to determine whether to perform the resource management operation (col. 3, lines 28-54, col. 4, lines 30-col. 5, lines 6, col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses network resource manager (11) analyzes usage pattern to perform a resource management operation equivalent to the feature of the remote service provider analyzes the usage pattern to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

30. As to claim 25, **Pan** teaches the invention as claimed, wherein the usage patterns are stored in a preference database (col. 5, lines 42-65, col. 6, lines 14-34).

31. As to claim 26, **Pan** teaches the invention as claimed, further comprising: a profile monitor to receive a signal of the coupling of the local device and to communicate with the network resource management to perform the resource

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management operation (figure 1, col. 4, lines 30-col. 5, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses communicate with network resource manager (11) to perform a resource management operation equivalent to the feature of communicating with the remote service provider to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

32. As to claim 27, **Pan** teaches the invention as claimed, wherein the communication with the network resource management comprises providing service log information to the network resource management (col. 5, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to provide service log information equivalent to the feature of providing service log information to the remote service provider disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

33. As to claim 37, **Pan** teaches the invention as claimed, including a machine-readable medium having executable instructions to cause a machine to perform a method comprising:

receiving an usage intention signal from a remote device, the usage intention signal indicating a service to be executed on the remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to communicate with a network resource management that performs a resource management operation on the remote device in response to the usage intention signal (col. 3, lines 28-54); and

communicating with the network resource management to perform a resource management operation (col. 4, lines 30-col. 5, lines 6).

Pan does not explicitly teach the remote service provider. However, **Pan** teaches communicating with a network resource manager to perform a resource management operation (figures 1, 2, col. 3, lines 28-54).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to perform a resource management operation equivalent to the feature of communicating with remote service provider to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

34. As to claim 38, **Pan** teaches the invention as claimed, wherein the determining whether to communicate is based on a resource available on the remote device (col. 4, lines 30-col. 5, lines 6, col. 5, lines 42-col. 6, lines 34).

35. As to claim 41, **Pan** teaches the invention as claimed, further comprising: collecting service log information, the service log information to be used to analyze a usage pattern (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

36. As to claim 42, **Pan** teaches the invention as claimed, wherein the service log information is stored in a user preference database (col. 5, lines 42-65, col. 6, lines 14-34).

37. As to claim 43, **Pan** teaches the invention as claimed, wherein the communicating comprises providing the service log information to the network resource management (col. 5, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to provide service log information equivalent to the feature of providing service log information to the remote service provider disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result).

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38. Claims 4-8, 12-13, 19-22, 31-35, and 39-40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Pan et al.** (hereinafter Pan) U.S. Patent No. **6,775,701**, in view of **Husain et al.** (hereinafter Husain) U.S. Publication No. **2003/0126260**.

39. As to claim 4, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches the determining comprises analyzing the amount of memory space on the remote device (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of analyzing the amount of memory space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

40. As to claim 5, **Pan** does not specifically teach the invention as claimed; however, **Husain** teaches wherein the determining comprises analyzing the amount of storage space on the remote device (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of analyzing the amount of storage space because it would have an efficient

communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

41. As to claim 6, **Pan** does not specifically teach the invention as claimed; however, **Husain** teaches wherein the performing resource management comprises unloading a software component from the remote device (abstract, paragraphs 0079, 0082). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

42. As to claim 7, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein performing resource management comprises unloading a content file from the remote device (abstract, paragraphs 0079, 0082). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a content file because it would have an efficient communications

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system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

43. As to claim 8, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the performing resource management comprises unloading a conflicting software component (abstract, paragraphs 0015, 0085-0086, 0097). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a conflicting software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

44. As to claim 12, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the resource comprises a memory space (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include a memory space because it would have an efficient communications system for managing resources in a networked computers that can

monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

45. As to claim 13, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the resource comprises a storage space (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include a storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

46. As to claim 19, **Pan** does not explicitly teach the resource selected from the group consisting of a memory space and storage space. However, **Husain** the resource manager analyzes the resource selected from the group consisting of a memory space and storage space (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include a memory space and a storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and

determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

47. As to claim 20, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the perform the resource management operation comprises unloading a software component from the local device (abstract, paragraphs 0079, 0082). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

48. As to claim 21, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the perform the resource management operation comprises unloading a content file from the local device (abstract, paragraphs 0079, 0082). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a content file because it would have an efficient communications system for managing resources in a networked computers that can

monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

49. As to claim 22, **Pan** does not explicitly teaches the invention as claimed; however, **Husain** teaches wherein the perform the resource management operation comprises unloading a conflicting software component (abstract, paragraphs 0015, 0085-0086, 0097). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a conflicting software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

50. As to claim 31, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the determining comprises analyzing the amount of memory space on the remote device (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of analyzing the amount of memory space because it would have an efficient communications system for managing resources in a networked computers that can

monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

51. As to claim 32, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the determining comprises analyzing the amount of storage space on the remote device (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of analyzing the amount of storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

52. As to claim 33, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the performing resource management comprises unloading a software component from the remote device (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a software component because it would have an efficient communications system for managing resources in a networked computers that

can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

53. As to claim 34, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein performing resource management comprises unloading a content file from the remote device (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a content file because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

54. As to claim 35, **Pan** does not specifically teach the invention as claimed; however, **Husain** teaches wherein the performing resource management comprises unloading a conflicting software component (abstract, paragraphs 0015, 0085-0086, 0097). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Husain** to include the feature of unloading a conflicting software component because it would have an efficient communications system for managing resources in a networked computers

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that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

55. As to claim 39, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the resource comprises a memory space (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan** and **Husain** to include the resource comprises a memory space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers).

56. As to claim 40, **Pan** does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the resource comprises a storage space (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan** and **Husain** to include a resource includes a storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive

scheduling of resources to user computers.

Conclusion

57. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

58. Burnley et al. (USPN 6,782,350), Creemer (USPN 5,951,644), Agarwal et al. (US Pub. No. 2003/0028642), Belani et al. (USPN 6,772,350), Bauer et al. (USPN 5,819,047), Marl et al. (US Pub. No. 2003/0126236), Cherkasova et al. (US Pub. No. 2002/0052962), New, Jr. et al. (US Pub. No. 2003/0028653), Foote et al. (US Pub. No. 2004,0205760), Sparrell et al. (US Pub. No. 2004/0268407) are recited for disclosing various information related to the claimed invention. Applicants are requested to consider these prior art references when responding to this office action.

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (571) 272-3978.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

February 12, 2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER